

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEO NICHOLAS,

Plaintiff,

v.

JOSEPH LEHMAN,

Defendant.

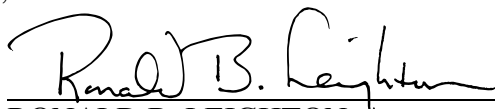
Case No. C04-5857RBL

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed, the Report and Recommendation of Magistrate Judge j. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) This action is **DISMISSED WITHOUT PREJUDICE** for the reasons set forth in the Report and Recommendation. Plaintiff never served the complaint and ignored court orders to show cause.
- (3) The Clerk is directed to send copies of this Order to plaintiff, and to the Hon. J. Kelley Arnold.

DATED this 10th day of April, 2006.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE